

VIRGINIA NEWS SOURCE™ MEMORANDUM | MEMORIALIZING | ANALYZING

The Strange Case of the U. S. District Court for the Eastern District of Virginia, Richmond Not [1] Taking Judicial Notice of The U.S. Constitution's, Art. 6, ¶2 (1789) in the Matter of Libertarian National Committee, Inc., Plaintiff v. Robert Klor Dean, Defendant, Civil Action No. 3:23cv 155 (RCY) [2] Not Dismissing the Case and [3] Declaring the Trademarks at Issue [Trademark Reg. No. 6,037,046 & Trademark Reg. 2,423,458] (a) Null and (b) Void Outright, ~ Part I

(Prepared by David M. Lindsey* | Relator* | Commentator | Editor | Narrator | Petitioner

	<p>VIRGINIA NEWS SOURCE™ A Virginia Non-Stock Corporation Est. April 20, 2021 SCC # 11213840 NTEE CODE 503 P.O. BOX 65002 Virginia Beach, Va 23467-5002 757-818-8003 ✉ publisher@virginia-news-source.com www.virginia-news-source.com</p>	<p>NEWS- VIRGINIA ~ U.S. ~ INTERNATIONAL -BREAKING NEWS- -LIVE COVERAGE- -INVESTIGATIONS- -OPINIONS- -COMMENTARIES- -COLUMNISTS- -BUSINESS- -ANALYSIS- -OP-EDS- -PHOTOS-</p>
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1 It appears to this commentator that there is truancy from the Constitutional requirements of Article 6, ¶2 of the U.S. Constitution [U.S. Con. Art. 6 (1789)];

3 **"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or**
4 **which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every**
5 **state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding."**

6 In the instant matter one of the Treaties involved in this Truancy is the Paris Convention for the Protection of Industrial Property of March
7 20, 1883 as revised;

8 Article 6 - [Marks: Prohibitions concerning State Emblems, Official Hallmarks, and Emblems of Intergovernmental Organizations] (1)

9 (a) The countries of the Union agree to refuse or to invalidate the registration, and to prohibit by appropriate measures the
10 use, without authorization by the competent authorities, either as trademarks or as elements of trade marks, of armorial bearings,
11 flags, and other State emblems, of the countries of the Union, official signs and hallmarks indicating control and warranty adopted
12 by them, and any imitation from a heraldic point of view. (Trademark Reg. No. 6,037,046 & Trademark Reg. 2,423,458)

13 (b) The provisions of subparagraph (a), above, shall apply equally to armorial bearings, flags, other emblems, abbreviations,
14 and names, of international intergovernmental organizations of which one or more countries of the Union are members, with the
15 exception of armorial bearings, flags, other emblems, abbreviations, and names, that are already the subject of international agreements in
16 force, intended to ensure their protection.

17 (c) No country of the Union shall be required to apply the provisions of subparagraph (b), above, to the prejudice of the owners of rights
18 acquired in good faith before the entry into force, in that country, of this Convention. The countries of the Union shall not be required to
19 apply the said provisions when the use or registration referred to in subparagraph (a), above, is not of such a nature as to suggest to the public
20 that a connection exists between the organization concerned and the armorial bearings, flags, emblems, abbreviations, and names, or if such
21 use or registration is probably not of such a nature as to mislead the public as to the existence of a connection between the user and the
22 organization.

23 (2) Prohibition of the use of official signs and hallmarks indicating control and warranty shall apply solely in cases where the marks in
24 which they are incorporated are intended to be used on goods of the same or a similar kind.

25 (3)

26 (a) For the application of these provisions, the countries of the Union agree to communicate reciprocally, through the intermediary of
27 the International Bureau, the list of State emblems, and official signs and hallmarks indicating control and warranty, which they desire, or
28 may hereafter desire, to place wholly or within certain limits under the protection of this Article, and all subsequent modifications of such
29 list. Each country of the Union shall in due course make available to the public the lists so communicated. Nevertheless such communication
30 is not obligatory in respect of flags of States.

31 (b) The provisions of subparagraph (b) of paragraph (1) of this Article shall apply only to such armorial bearings, flags, other emblems,
32 abbreviations, and names, of international intergovernmental organizations as the latter have communicated to the countries of the Union
33 through the intermediary of the International Bureau.

34 (4) Any country of the Union may, within a period of twelve months from the receipt of the notification, transmit its objections, if any,
35 through the intermediary of the International Bureau, to the country or international intergovernmental organization concerned.

36 (5) In the case of State flags, the measures prescribed by paragraph (1), above, shall apply solely to marks registered after November 6,
37 1925.

38 (6) In the case of State emblems other than flags, and of official signs and hallmarks of the countries of the Union, and in the case of
39 armorial bearings, flags, other emblems, abbreviations, and names, of international intergovernmental organizations, these provisions shall
40 apply only to marks registered more than two months after receipt of the communication provided for in paragraph (3), above.

41 (7) In cases of bad faith, the countries shall have the right to cancel even those marks incorporating State emblems, signs, and hallmarks,
42 which were registered before November 6, 1925.

43 (8) Nationals of any country who are authorized to make use of the State emblems, signs, and hallmarks, of their country may use them
44 even if they are similar to those of another country.

45 (9) **The countries of the Union undertake to prohibit the unauthorized use in trade of the State armorial bearings of the other**
46 **countries of the Union, when the use is of such a nature as to be misleading as to the origin of the goods.**

47 (10) The above provisions shall not prevent the countries from exercising the right given in paragraph (3) of Article 6 quinquies, Section
48 B, to refuse or to invalidate the registration of marks incorporating, without authorization, armorial bearings, flags, other State emblems, or
49 official signs and hallmarks adopted by a country of the Union, as well as the distinctive signs of international intergovernmental organizations
50 referred to in paragraph (1), above.

51 Below is shown the emblem of the Liberal Party of Batavia which under the terms of the 1) Paris Convention for the Protection of Industrial
52 Property of March 20, 1883, is bared from being registered as a trademark by the U.S. Trademark Office, yet it was (Reg. No. 6,037,046).
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Liberal Party Liberaale Partij	
	
Abbreviation	LP
Leader	Rogier Maaier
Honorary Leader	Tienke de Oude
Leader in the Chamber of Representatives	Rogier Maaier
Leader in the Senate	Johannes Petrus Dekker
Founded	January 8th, 1895
Ideology	Liberalism Social liberalism Classical liberalism Pro-Europeanism
Political position	Centre to Centre-left
Colours	Yellow
Chamber of Representatives	100 / 420
Senate	44 / 170
European Parliament	15 / 48
States-Provincial	230 / 800
People's Commissioners	5 / 18

[https://thefutureofeuropes.fandom.com/wiki/Liberal_Party_\(Batavia\)](https://thefutureofeuropes.fandom.com/wiki/Liberal_Party_(Batavia))

As shown on the icon page of the Batavianian LIBERALE PARTIJ to your right;

1. It has been in existence since January 8th, 1895;
2. It's use of the name of LIBERALE PARTIJ [Libertarian Party] outdates the Plaintiff use in the instant matter by nearly 80 years;
3. That the intended ideology of its use of it's name are listed;
4. That it's political positions are listed;
5. That it's color is listed;
6. That it's color is yellow-gold;
- 7.. It's use of the Torch with the Golden Eagle Flame out dates the Plaintiff's use by 4 years. (Reg. No. 6,037,046).
4. That in the 1958 Orgins, a short etymological dictionary of modern English by Eric Partridge at page 351, Liberal, as set out in the original Dutch, is laid out to be a noun that has multi meanings in Dutch akin to libertarian (after humanitarian from humanity).

For these reasons Trademark Reg. No. 6,037,046 & Trademark Reg. 2,423,458 should be invalidated as required by Paris Convention for the Protection of Industrial Property of March 20, 1883 as revised; Article 6 - [Marks: Prohibitions concerning State Emblems, Official Hallmarks, and Emblems of Intergovernmental Organizations] (1) (a) The countries of the Union agree to refuse or to invalidate the registration, and to prohibit by appropriate measures the use, without authorization by the competent authorities, either as trademarks or as elements of trademarks, of armorial bearings, flags, and other State emblems, of the countries of the Union, official signs and hallmarks indicating control and warranty adopted by them, and any imitation from a heraldic point of view. (Trademark Reg. No. 6,037,046 & Trademark Reg. 2,423,458)

(b) The provisions of subparagraph (a), above, shall apply equally to armorial bearings, flags, other emblems, abbreviations, and names, of international intergovernmental organizations of which one or more countries of the Union are members, with the exception

of armorial bearings, flags, other emblems, abbreviations, and names, that are already the subject of international agreements in force, intended to ensure their protection.

A copy of this article is being sent to:

1. The Hon. Judge Roderick Young
Clerks Office - Suite 300 - Fernando Galindo
US District Court
Eastern District of Virginia
701 East Broad Street
Richmond, VA 23219

2. The Hon. Gerard F. Rogers
Chief Administrative Trademark Judge
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451
TTABInfo@uspto.gov

For their responses/comments on this article and will be posted.

Part II will address • The "honest services" doctrine codified in U.S. Code 18 U.S.C. § 1346 [United States v. Frost, 125 F.3d 346, 368 (6th Cir. 1997)], United States v. Vinyard, 266 F.3d 320, 326-327 (4th Cir. 2001) as it touches and concerns the instant matter;

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